

Majority Report
of Com on State
Institutions & Public
Bldgs -

Dec 14/78
Ordered printed
with minority
Report

Smith

Jan 1879

Mr President

Your Committee on
State Institutions and Public Buildings
to whom was referred proposed amendments
No. 350 by Mr. Campbell, No 84 by Mr
Condor No. 465 by Mr. Fured. No 383
by Mr Webster, have had the same
under consideration, No 383 by Mr Webster
we recommend its reference to the Com.
on Education, No 465 by Mr Fured, to
the Com. on Labor and Capital, Proposition
No. 350 by Mr Campbell and No 465
by Mr Condor, containing the principles,
which your Committee have embodied
in the following ^{article} report, and recommend
their adoption,

Nov. 16. 78.

Signed,
A. P. Oberstar
Chairman

#

AW 515
Majority report

of

Comm. on State

Institutions and

Public Buildings

Nov 23. 1848

Read & ordered to
lie on table & be printed
with the report of the
Minority

Thornton

Asst Sec

Dec 4/48

Taken from Table &
printed & referred to Com
of the whole { Smith
are per

Article,

Sec. 1

There shall be a State Board of
Prison Directors to consist of five persons
to be appointed by the Governor, with the
advice and consent of the Senate, who shall
hold office for Two Years, except that the

just appointed shall in such manner, as the legislature may direct be so classified that the term of one person so appointed shall expire, at the end of each two years, during the first two years, and vacancies occurring shall be filled in like manner, the appointee to a vacancy occurring before the expiration of a term shall hold only for the unexpired term of his predecessor. The governor shall have the power to remove either of the directors, for misconduct, incompetency, or neglect, of duty after an opportunity to be heard upon written charges.

Sec. 2. The board of directors shall have the charge and superintendance of the State Prisons and shall possess such powers, and perform such duties, in respect to other penal and reformatory institutions of the state as the legislature may prescribe.

Sec. 3. The board shall appoint the warden and clerk, and determine, the other necessary officers of the prisons. The board shall have power to remove the warden, and clerk for

Misconduct, incompetency or neglect of duty, all other officers and employees of the Prisons shall be appointed by the warden thereof and be removed at his pleasure,

Sec 4.

The members of the board shall receive no compensation other than reasonable travelling and other expenses, incurred while engaged in the performance of official duties to be audited as the Legislature may direct.

Sec 5

The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the board Warden and Clerks, and to carry into effect the provisions of this article.

Signed
Nov. 16, 78.
Committee
A. P. Overton
Chairman

Summary
report of
Committee on
State Institutions
and

Public Buildings

Dec 4. 78

Read & ordered to lie
on Table and be printed
with the Majority Report
of Committee.

Thornton
Asst Secy

Dec. 4. 78

3

Spencer

*Minority report of Committee
on State Institutions and
Public Buildings*

635

The President.

The undersigned members of your Com. on State Institutions and Public Buildings dissent from certain conclusions arrived at by the majority of the Committee. First, we believe that under our system of government, the people should in every case, directly determine by their suffrages, who shall occupy official stations and be invested with public power. That the lodging of the power of appointing to office in any department of state, is an abridgment of the rights of the people. We therefore recommend that persons to be chosen as Commissioners pursuant to section one as reported by the majority

Ways

of the Committee be elected
 by the qualified voters of the State
 Second, believing that the
 future prosperity of our States, Geo.
 the very perpetuity of our system
 of government, depends upon an
 industrious, intelligent, and
 independent, laboring class, that
 the free intelligent workingman
 is the true impersonification
 of our theory of government; that
 labor creates capital; that only
 through intelligent free labor
 has the civilization of man
 been made possible, labor is
 working and the honest intelli-
 gent, free laboring man, is
 the true nobility; if the
 free working classes fall and
 are driven out, the industrial
 ruin of the State will inevi-
 tably follow. This country was
 created for a free people, and
 for free labor. The intelligence
 of the people is the safeguard
 of our political institutions
 and every burden imposed upon
 the independence of free labor is
 a blow at the liberties of the people

Notes

The labor of convicts is essentially in all its elements slave labor. Criminal classes existing, convicts being a necessary evil. They should be so employed as not to conflict with free labor, so as not to ruin and destroy the happy homes of honest industry. It is the duty of the State to protect the honest toiler, in his work and in the fruits of his industry.

The contract system of convict labor must cease, as it enables manufacturers to procure slave labor at wages so far below free labor, that free labor is driven from the market, leaves the state or sinks into want and misery, or death by starvation.

The state today is possessed of a large part of the machinery, tools, and material necessary to itself work the convicts.

The free labours of this state, are as a result, opposed to the contract system as it competes directly with them lowering their wages, and taking

Wages

Nov 4.

The bread from their mouths
The undersigned are of the opinion
that the convicts can be employed
by the state in such work, as
not to injure free labor, and at
the same time, return sufficient
to make our prisons self-sustain-
ing, thus removing a grinding
oppression to free labor, and a
burdensome tax from off the
state, we recommend the
adoption of the following
sections;

Article, -

679

There shall be a State Board of Prison Commissioners to consist of three persons to be elected by the qualified voters of the State at large, at the general State elections, at the times and places that State officers are elected, and the term of office shall be (6) six years from and after the first Monday in January, next succeeding their election, provided that the three Commissioners elected at the first election shall, at their first meeting so certify themselves by lot, that one of them shall go out of office at the end of two years, one at the end of four years, and one at the end of six years. In vacancy or in the office of a Commissioner, the Governor shall appoint a person to hold the office until the election and qualifications of a Com-

W. C. P.

Comp.
Sec.

missioner which election shall take place, at the next succeeding general election and the person so elected, shall hold the office for the remainder of the unexpired term. The first election of the Commissioners shall be at the first general election after the adoption and ratification of this constitution.

The Legislature shall by laws provide for the working of convicts in State Prisons, for the benefit of the State, provided however that the labor of convicts shall not be let out by contract to any person, partnership ~~or~~ company or corporation.

Sec.

The State board of Excess Commissioners shall constitute a board of pardons, and the Governor of the State shall never pardon any person convicted of crime except at the unanimous request of the board

7



of State Prison Commissioners

Sec. -

Nov 18

The Legislature shall give effect to a judicious system of credits for good behavior to convicts in State Prisons, to be carried out by the State Board of Prison Commissioners

Signed } John W. Condon
 } P. M. Wellin
 } C. J. Beerstecher

Secretary Copy

Amendment

Amendment

Amendment.

No 515


correct

No. 515.

Approved

do. body

MAJORITY REPORT OF COMMITTEE ON STATE INSTITUTIONS AND
PUBLIC BUILDINGS.

NOVEMBER 23^D, 1878.

TAKEN FROM THE TABLE, PRINTED, AND REFERRED TO COMMITTEE OF THE
WHOLE.

Majority Report of Committee on State Institutions
and Public Buildings - November 23^d 1878
ARTICLE

SECTION 1. There shall be a State Board of Prison Directors, to con-
2 sist of five persons, to be appointed by the Governor, with the advice and
3 consent of the Senate, who shall hold office for ten years, except that the first
4 appointed shall, in such manner as the Legislature may direct, be so classified
5 that the term of one person so appointed shall expire at the end of each two
6 years during the first ten years, and vacancies occurring shall be filled in like
7 manner. The appointee to a vacancy, occurring before the expiration of a
8 term, shall hold only for the unexpired term of his predecessor. The Gover-
9 nor shall have the power to remove either of the directors for misconduct,
10 incompetency, or neglect of duty, after an opportunity to be heard upon written
11 charges.

SEC. 2. The Board of Directors shall have the charge and superin-
2 tendence of the State Prisons, and shall possess such powers, and perform

adapted
adapted



3 such duties, in respect to other penal and reformatory institutions of the State,
4 as the Legislature may prescribe.

SEC. 3. The Board shall appoint the Warden and Clerk, and deter-
2 mine the other necessary officers of the Prisons. The Board shall have power
3 to remove the Wardens and Clerks for misconduct, incompetency, or neglect
4 of duty; all other officers and employes of the Prisons shall be appointed by
5 the Warden thereof, and be removed at his pleasure.

SEC. 4. The members of the Board shall receive no compensation other
2 than reasonable traveling and other expenses incurred while engaged in the
3 performance of official duties, to be audited as the Legislature may direct.

SEC. 5. The Legislature shall pass such laws as may be necessary to
2 further define and regulate the powers and duties of the Board, Wardens, and
3 Clerks, and to carry into effect the provisions of this Article.

subject adopted & amended

*Section 6 after the first day of
January 1882
The labour of convicts shall not be let
out by contract to any person, partner-
ship, company, or corporation and the
Legislature shall by law provide for
the working of convicts for the benefit of
the State*

W. H. Miller

Original
Report of Law on State
Institutions used in
Case of Whitely

*Original Article
Secretary's Copy
Returned to Desk*

Amendment.

No. 515.

MAJORITY REPORT OF COMMITTEE ON STATE INSTITUTIONS AND
PUBLIC BUILDINGS.

NOVEMBER 23^d, 1878.

AS AMENDED IN COMMITTEE OF THE WHOLE.

ARTICLE —

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SEC. 5. The Legislature shall pass such laws as may be necessary to further define and regulate the powers and duties of the Board, Wardens, and Clerks, and to carry into effect the provisions of this article.

New section, introduced by Mr. Wellin, and adopted:

SEC. 6. After the first day of January, eighteen hundred and eighty-two, the labor of convicts shall not be let out by contract to any person, copartnership, company, or corporation, and the Legislature shall, by law, provide for the working of convicts for the benefit of the State.

Repealed

Amendment No. 515
Nov. 23, 1878
State Institutions & Public Buildings

State Institutions, etc *Original Copy As Amended in Convention.*

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

As Amended in Convention, and Ordered Engrossed for a Second Reading, February 14th, 1879.

ARTICLE —.

STATE INSTITUTIONS AND PUBLIC BUILDINGS.

SECTION 1. There shall be a State Board of Prison Directors, to consist of five persons, to be appointed by the Governor, with the advice and consent of the Senate, who shall hold office for ten years, except that the first appointed shall, in such manner as the Legislature may direct, be so classified that the term of one person so appointed shall expire at the end of each two years during the first ten years, and vacancies occurring shall be filled in like manner. The appointee to a vacancy, occurring before the expiration of a term, shall hold only for the unexpired term of his predecessor. The Governor shall have the power to remove either of the directors for misconduct, incompetency, or neglect of duty, after an opportunity to be heard upon written charges.

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- 515 - #

State Institutions and
Public Bldgs

Feb'y 21/79

Reported, Correctly
engrossed.

E F Smith

Secretary

February 26, 1879.

Read a second time,
adopted, and referred
to the Committee on
Revision and Adjust-
ment.

J. M. Wright,
Act. Secretary.